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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,265	03/30/2001	Atsushi Maeda	263/121	7260
26389	7590	07/15/2004		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				EXAMINER SIDDIQI, MOHAMMAD A
				ART UNIT 2154 PAPER NUMBER

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,265	MAEDA, ATSUSHI	
	Examiner	Art Unit	
	Mohammad A Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 March 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 6-8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Suda et al. (6,279,000) (hereinafter Suda).

4. As per claims 1 and 7, Suda discloses an electronic mail distributing apparatus, comprising:

a receiving unit which receives an electronic mail scheduled to be sent to a recipient at a specified date and time (fig 2, 67, abstract, col 7, lines 37-46, col 31, lines 45-54);

a mail storing unit which stores the electronic mail received by said receiving unit (fig 4, 67,68,69,70, abstract, col 7, lines 37-67, col 8, lines 1-20);

a detection unit which detects an electronic mail whose specified date and time becomes the present date and time (abstract, fig 2, 67,68,69,70, col 6, lines 64-67, col 7, lines 1-10);

a retrieval unit which retrieves the electronic mail detected by said detection unit, from said mail storing unit (abstract, fig 4, 67,68,69,70, col 7, lines 37-67, col 8, lines 1-20); and

a transmitting unit which sends the electronic mail retrieved by said retrieval unit (abstract, col 8, lines 49-67, col 14, lines 3-4).

5. As per claim 2, Suda discloses further comprising a confirmation unit which confirms that the specified date and time to be sent out is set to one after the present data and time, and which then stores the electronic mail in said mail storing unit (fig 67,68,69,70, col 31, lines 55-61).

6. As per claims 3 and 9, Suda discloses further comprising a generating unit which generates header information of the electronic mail retrieved by said retrieval unit (fig 67,68,69,70, col 31, lines 55-61,col 32, lines 1-65).

7. A per claim 4, Suda discloses wherein said detection unit detects an electronic mail whose specified date and time is set to one slightly before the exact specified date and time (fig 67,68,69,70, col 31, lines 55-61,col 32, lines 1-65).

8. As per claim 6, Suda discloses further comprising a receiving unit which receives the electronic mail and reads out the specified date and time and which supplies it to said confirmation unit (col 31, lines 39-61), wherein the specified date and time are entered in a body of an electronic mail message using a tag indicative thereof and said receiving unit reads the specified date and time based on the tag (fig 67, col 31, lines 39-61), and wherein the tag is deleted (fig 66, col 33, lines 20-22) when the electronic mail is sent to the recipient (fig 66,68,69,70).

9. As per claim 8, Claim 8 is rejected for the similar reason as stated above in claim 1, In addition to Suda discloses notifying the originating client if the specified date and time has already passed the present date and time so as to prevent wrong registration of the electronic mail (col 33, lines 35-67, col 34, lines 1-41);

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda et al. (6,279,000) (hereinafter Suda) in view of Toyoda et al. (6,614,891) (hereinafter Toyoda).

12. As per claim 5, Suda disclose wherein a data structure of said mail storing unit includes a specified date and time column (col 33, lines 35-55), a recipient address column (col 33, lines 35-55), a sender address column and a message body column (col 33, lines 35-55).

Suda does not specifically disclose a destined country column.

However, Toyoda discloses a destined country (col 3, lines 35-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Toyoda with Suda because it would provide an intelligent, modular and multi-facet job scheduler system based on the time zone concept.

13. As per claim 10, Suda discloses wherein the apparatus is implemented in a server (col 48, line 20-26).

However, Toyoda discloses mail server (electronic mail system, fig 3, col 3, lines 35-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Toyoda with Suda because it would provide an intelligent, modular and multi-facet job scheduler system based on the time zone concept.

14. As per claim 11, Suda discloses wherein the apparatus is implemented in a server (col 48, line 20-26).

However, Toyoda discloses mail server (electronic mail system, fig 3, col 3, lines 35-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Toyoda with Suda because it would provide an intelligent, modular and multi-facet job scheduler system based on the time zone concept.

15. As per claim 12, Suda discloses wherein the apparatus is implemented in a server (col 48, line 20-26).

Suda does not specifically disclose mail server. However, Toyoda discloses mail server (electronic mail system, fig 3, col 3, lines 35-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to combine Toyoda with Suda because it would provide an intelligent, modular and multi-facet job scheduler system based on the time zone concept.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,714,932

U.S. Patent 6,035,278

U.S. Patent 6,330,589

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS



ZARNI MAUNG
PRIMARY EXAMINER